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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,492

03/23/2004

Robert M. Ransom

WEC-122-B

2762

7590

11/20/2006

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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,492

Applicant(s)

RANSOM ET AL.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This office action is in response to applicant's amendment filed on August 11, 2006.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims ~~1-12~~ have been cancelled. Claims 13-17 and 19-25 are pending in the application.

#### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features such as "a hinge section attached to the sleeve to allow leaf elements to move in relative to the sleeve" (claims 13 and 19) and "the cutout elements are shaped as circles" (claims 15, and 22) must be shown or the feature(s) canceled from the claim(s). However, in the drawings, the referent character "37", does no appear to be a hinge section as defined in the specification. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-14, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson (US Patent Application Publication NO.2002/0069904).

Robinson shows and teach a portable, collapsible enclosure (100) comprising: a plurality of flexible side panels (102) , each side panel having a frame including at least one foldable supporting element (not shown, see page 2, paragraph 0028), when unfolded, providing rigidity and shape to the side panel, a covering material (500) covering the foldable supporting element to define the side panel, the covering material having at least one strip of flexible material forming a sleeve to provide a hinge section to receive the supporting element and to couple the two adjacent panels together, and the strip of flexible material may including three-dimensional pattern being cut into simulate the appearance of natural objects such as foliage leaves (see page 3, paragraph 0032).

Regard to claims 14 and 16-17, Robinson show and discloses the cutout elements are shaped as leaves which are irregular shaped and are polygons.

***Claim Rejections - 35 USC § 103***

4. Claims 17-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson '904 in view of Killinger (US Patent No. 2,159,273).

The claims are considered to meet by Robinson '904 as explained and applied above rejections except that Robinson does not define the collapsible enclosure having means for removably attaching vegetation to at least one of the side panels. Killinger teaches a collapsible enclosure comprising a frame covering by flexible material to form a plurality of sidewalls (11), at least one elastic strip (32) attached to the sidewall and providing means for removably attaching vegetation (33) thereon to at least one of the sidewall. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the collapsible enclosure of Robinson having at least one elastic strip attached to at least one the sidewall of the enclosure to form a series of holding pockets for providing means for removably attaching vegetation (33) to the side panel as taught by Killinger to greatly enhances the blending of the enclosure to match the surrounding natural environment.

5. Claims 13-17 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng '799 in view of Eastman, II, et al. (US Patent Application Publication NO. 2006/0096630).

Zheng shows and teaches a portable, collapsible enclosure (30 or 400) (see Fig. 1 or Fig. 14A) comprising: a plurality of flexible side panels (70, 74, 78, 82) each having a frame

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including at least one foldable supporting element (34, 38, 42, 46; or 434, 438), at least one sheet of flexible material (i.e. 74, 82) attaching to a portion of the frame to form the side panel, at least one strip of flexible material forming a sleeve (454, 458, 412) for receiving the foldable supporting elements (434, 438) and providing a hinge section (410) for connecting two adjacent side panels together. Zheng does not define the enclosure having a plurality of cutout elements that simulate foliage connected to the hinge section as claimed. Eastman, II et al. teaches a portable enclosure (10) comprising a portable frame (14) including a plurality of supporting elements, a cover made of a flexible camouflage material attached to the frame to form a plurality of side walls of the enclosure, and the flexible material including at least one strip (12) having a hinge section (40) and a plurality of cutout (18) attached on the hinge section for removably attaching the strip to a portion of the sidewall such as along the edges of adjacent sidewalls for adding a more natural, rounded appearance. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the enclosure of Zheng having at least one strip of flexible material which includes a hinge section and a plurality of cutouts (18) being attached to at least a portion of one sidewall such as along the edges of two adjacent sidewalls to allow attachment of both nature or artificial foliage patterns such as simulate foliage in different camouflage patterns such as leaves taught by Eastman, II et al. for providing greatly enhances the blending of the enclosure to match the surrounding natural environment.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson '904 as applied to claim 13 above.

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Although Robinson does not specifically define the shape of the cutout elements, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide a portable, collapsible enclosure of Robinson having at least one strip of flexible material having the cutout elements being cut in any particular shape such as circles as claimed because applicant has not disclosed that the cutout being in particular shape provides an advantage or is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with the cutout being shaped as circles because they provide choice of appearance as desired.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson '904 in view of Killinger as applied to claim 19 above for the same reasons set forth above rejections.

8. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng '799 in view of Eastman, II, et al. (US Patent Application Publication NO. 2006/0096630) as applied to claims 13 and 19 above for the same reasons set forth above rejections.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 12-17 have been considered but are moot in view of the new ground(s) of rejection.

In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies the

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features of “the cutout elements 34 remain attached to the sleeve 16 by hinge section 37” are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant only claims “at least one strip of flexible material attachable to a portion of at least one of said side panel” which is broadly read on that the strip of flexible material attached to any position along one of the side panel and it is not necessary to be attached to the sleeve of the panel as applicant argued. Since applicant don’t claim the sleeve, the strip of the flexible material used to form the sleeve would be broadly considered as a strip of flexible material including a hinge portion attached to at least one portion of the side wall as claimed. Therefore, the cited references are broadly read on the claimed invention.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30):

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy

November 14, 2006

REPLACEMENT SHEET

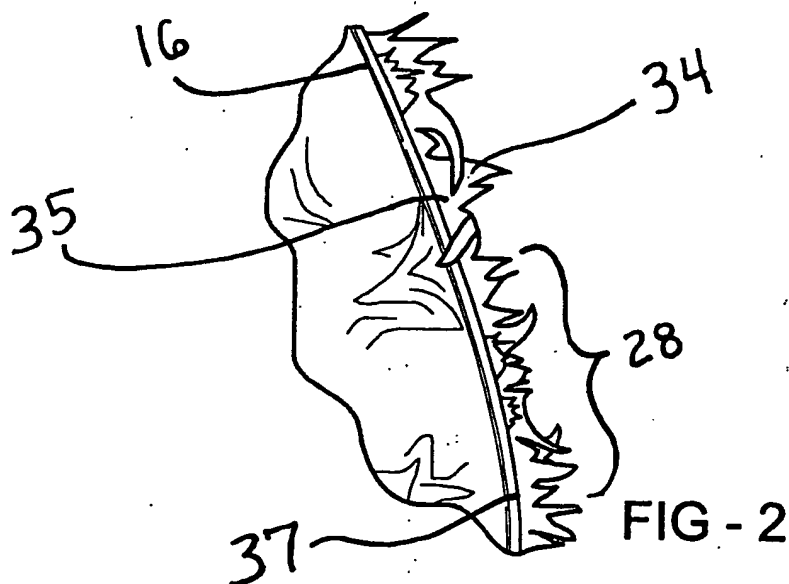
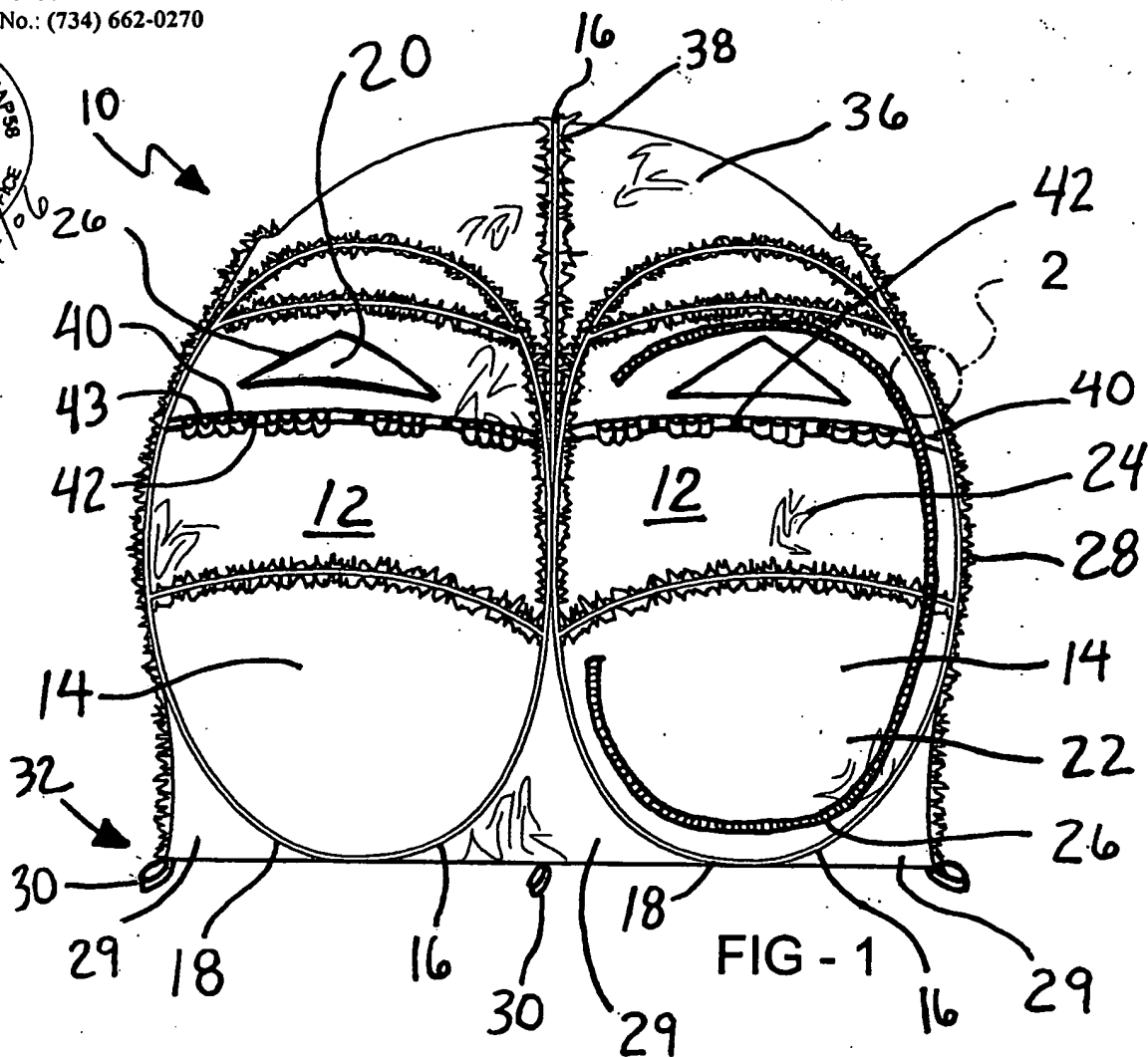
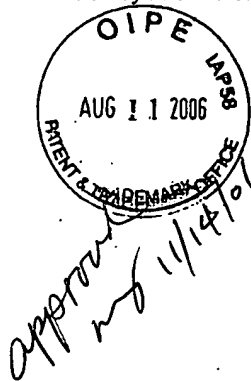
Title: "COLLAPSIBLE ENLOSURE WITH  
3-DIMENSIONAL TRIM ELEMENTS"

Application Serial Number: 10/806,492

Inventor: Ransom

Attorney Docket Code: WEC-122-B

Attorney Phone No.: (734) 662-0270



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